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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,922	03/16/2001	William L. Thomas	ODS-38	7120
1473	7590	04/19/2006	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			RADA, ALEX P	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,922

Applicant(s)

THOMAS, WILLIAM L.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

In response to the amendment filed January 26, 2006 in which the applicant cancels claims 33-84, amends claims 1-2, 4, 11-12, 14, 21, and 27, and claims 1-32 are pending in this office application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al. (U.S. 6,402,614) in view of Archer (US 6,277,026).

3. Schneier et al discloses regarding claims 1 and 11, Schneier et al disclose determining the particular location of the user (col. 18, lines 1-7 and col. 18, line 55 to col. 19, line 25 and Figure 5 along with the related description thereof, wherein the HTV 20 includes GPS receiver 111 to communicate temporal and positional information), providing a listing of lotteries in which the user can participate on a visual display based on the particular location of the user (col. 20, lines 27-34 and Figure 5 along with the related description thereof, wherein the CMC 12 enables/disables certain lottery games based on the temporal and positional information communicated by the GPS receiver 111 of HTV 20), giving the user the ability to participate in at least one of the lotteries using the user equipment (col. 16, lines 22-37 and col. 20, lines 3-15, wherein the HTV 20 includes a touch

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screen display 84 enabling a user to participate in certain lottery games enabled by the CMC 12 based on the temporal and positional information communicated by the GPS receiver 111 of HTV 20) as recited in claims 1 and 11.

Regarding claims 2 and 12, Schneier et al. disclose that the user equipment is configured to notify the user that results to at least one of the lotteries in which the user participated are available (col. 19, lines 54-64 and Figure 13 along with the related description thereof).

Regarding claims 3 and 13, Schneier et al. disclose that the notification is an instant message, a pager message or a telephone message (col. 10, lines 36-46, wherein a telephone network or an interactive communications network is used to facilitate game play in which the user is notified of lottery results, e.g., see col. 19, lines 54-64 and Figure 13 along with the related description thereof).

Regarding claims 4 and 14, Schneier et al. disclose that the user equipment is configured to display the results to at least one of the lotteries in which the user participated (col. 19, lines 54-64 and col. 20, lines 32-34, wherein display 84 of HTV 20 displays lottery results).

Regarding claims 5 and 15, Schneier et al. disclose that the user equipment is configured to indicate whether the user won for each of the lotteries for which results are displayed (col. 19, lines 54-64 and col. 20, lines 32-34, wherein display 84 of HTV 20 displays lottery results).

Regarding claims 6 and 16, Schneier et al. disclose that the user equipment is configured to record, in a multimedia format, the lottery drawings associated with the lotteries in which the user participated (col. 20, lines 40-56, wherein the messages containing lottery game outcomes, i.e., lottery drawings, contain text or graphics and can be orally communicated)

Schneier et al does not expressly disclose regarding claims 1 and 11, issuing an electronic lottery ticket for the at least one of the lotteries, wherein a lottery drawing for the at least one of the lotteries will take place at a later time.

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Archer teaches regarding claims 1 and 11, issuing an electronic lottery ticket for the at least one of the lotteries, wherein a lottery drawing for the at least one of the lotteries will take place at a later time (Figures 4A-4D and 5A along with the related description thereof). By issuing lottery tickets for lottery drawings for a later time, one of ordinary skill in the art would provide a system that facilitates the sale of lottery tickets without distributing bearer-type tickets and the like.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Schneier et al to include issuing an electronic lottery ticket for the at least one of the lotteries, wherein a lottery drawing for the at least one of the lotteries will take place at a later time as taught by Archer to provide a system that facilitates the sale of lottery tickets without distributing bearer-type tickets and the like.

4. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (GB 2,147,773) and in view of Rittmaster (U.S. 2002/0023010) and Archer (US 6,277,026).

5. Dickinson et al discloses regarding claims 1 and 11, providing a listing of lotteries in which the user can participate on a visual display (Figures 1, 6-9B along with the related description thereof) and giving the user the ability to participate in at least one of the lotteries using the user equipment (Figures 1, 6-9B along with the related description thereof).

Dickinson et al. does not expressly disclose regarding claims 1 and 11, determining the particular location of the user and providing a listing of lotteries in which the user can participate on a visual display based on the particular location of the user and issuing an electronic lottery ticket for the at least one of the lotteries, wherein a lottery drawing for the at least one of the lotteries will take place at a later time and issuing an electronic lottery ticket for the at least one of the lotteries, wherein a lottery drawing for the at least one of the lotteries will take place at a later time.

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Rittmaster et al. teaches regarding claims 1 and 11, limiting lotteries to geographic locations where such lotteries are legal (paragraphs [0006] and [0039]). Rittmaster et al. teach determining the particular location of the user (Figure 2 along with the related description thereof) and providing a listing of lotteries in which the user can participate on a visual display based on the particular location of the user (Figure 3 along with the related description thereof, wherein geographic information is used to allow or deny access to a product or service (i.e., the lottery listing of Dickinson). Rittmaster et al. teach that limiting lottery availability based on geographic information determined from players helps to ensure lottery legality in certain jurisdictions (paragraph [0006]).

Archer teaches the regarding claims 1 and 11, issuing an electronic lottery ticket for the at least one of the lotteries, wherein a lottery drawing for the at least one of the lotteries will take place at a later time (Figures 4A-4D and 5A along with the related description thereof). By issuing lottery tickets for lottery drawings for a later time, one of ordinary skill in the art would provide a system that facilitates the sale of lottery tickets without distributing bearer-type tickets and the like.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Dickinson et al to include limit lottery availability based on geographic information determined from players and issuing electronic tickets for lotteries taking place at a later time as taught by Rittmaster et al and Archer to ensure lottery legality in certain jurisdictions as desirably and a system that facilitates the sale of lottery tickets without distributing bearer-type tickets and the like.

6. Claims 2-5, 7, 9, 12-15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. in view of Rittmaster et al. and Archer, as applied to claims 1 and 11 above, and further in view of LottoBot.

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The combination of Dickinson et al. and Rittmaster et al. and Archer teaches a method and system as described above with respect to claims 1 and 11, respectively. However, the combination of Dickinson et al. and Rittmaster et al. and Archer does not explicitly teach various lottery functions recited in dependent claims 2-5, 7, 9, 12-15, 17 and 19. In a related lottery application, LottoBot teaches an analogous lottery system allowing users to access lottery data and play lottery games over the Internet through user equipment (pages 1 and 20-21). LottoBot further teaches that lottery results and winning numbers can be communicated to players as a convenience to the player (pages 20-21), which enables player's to check lottery results and winning numbers from their personal computers. It would have been obvious for one skilled in the art at the time of the invention to incorporate the notification of lottery results and winning numbers of LottoBot into the combination of Dickinson et al. and Rittmaster et al. and Archer in order to increase player convenience by allowing players to check lottery results and winning numbers from their personal computers as desirably taught by LottoBot on pages 20-21.

Regarding claims 2 and 12, LottoBot teaches that users, after the lottery drawing are notified that their lottery results are available through e-mail or pager message (pages 1 and 5).

Regarding claims 3 and 13, LottoBot teaches that users are notified that their lottery results are available through pager message (page 1).

Regarding claims 4 and 14, LottoBot teaches displaying the results to at least one of the lotteries in which the user participated (page 1).

Regarding claims 5 and 15, LottoBot teaches indicating whether the user won for each of the lotteries in which the user participated (page 1).

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Regarding claims 7 and 17, LottoBot teaches reminding a user of an upcoming lottery drawing, through jackpot alerts, with at least one of the lotteries in which the user participated (page 1).

Regarding claims 9 and 19, LottoBot teaches displaying a user interface to the user for use in creating a lottery wager, wherein the user interface is customized for each lottery (page 4).

7. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. in view of Rittmaster et al. and Archer, as applied to claims 1 and 11 above, and further in view of Luciano et al. (U.S. Patent No. 6,168,521).

The combination of Dickinson et al. and Rittmaster et al. and Archer teaches a method and system as described above with respect to claims 1 and 11, respectively. In particular, the combination of Dickinson et al. and Rittmaster et al. and Archer teaches lottery game availability based on geographic location, wherein users can play available lottery games. However, the combination of Dickinson et al. and Rittmaster et al. does not explicitly teach recording, in a multimedia format, the lottery drawings associated with the lotteries in which the user participated. In a related lottery application, Luciano et al. teach multiple player activated video terminals linked to computers (abstract). Each player places a wager and selects a particular lottery draw choices. The system enrolls the player in a future lottery game based on the choices. (Abstract). After drawing winning lottery numbers, the system displays the result of the selected game displayed at the player's terminal in a multimedia format (see Figure 9 along with the related description thereof), such that the player can activate a stored replay of the draw (Figure 6 along with the related description thereof). Luciano et al. teach that the video lottery system provides more excitement and entertainment than traditional lottery systems (col. 1, lines 22-27). It would have been obvious for one skilled in the art at the time of the invention to incorporate the recordation of lottery results

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in a multimedia format presented to players of the lottery as taught by Luciano et al. into the lottery method and system as taught by the combination of Dickinson et al., Rittmaster and Archer in order to increase player excitement and entertainment as desirably taught by Luciano et al. in col. 1, lines 22-27.

8. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. in view of Rittmaster et al. and Archer, as applied to claims 1 and 11 above, and further in view of SGI Insights, Scientific Gaming International, vol. 1, issue no. 5 (hereafter "SGI Insights").

The combination of Dickinson et al. and Rittmaster et al. and Archer teaches a method and system as described above with respect to claims 1 and 11, respectively. In particular, the combination of Dickinson et al. and Rittmaster et al. and Archer teaches lottery game availability based on geographic location, wherein users can play available lottery games. However, the combination of Dickinson et al. and Rittmaster et al. does not explicitly teach generating lottery gift certificates. In a related lottery application, SGI Insights teaches the generation of lottery gift certificates for play in a future lottery (page 4). SGI Insights teaches that lottery gift certificates increase player appeal as recipients can use the gift certificates at any time, e.g., when the jackpot gets bigger (page 4). It would have been obvious for one skilled in the art at the time of the invention to incorporate the generation of lottery gift certificates as taught by SGI Insights into the lottery method and system as taught by the combination of Dickinson et al., Rittmaster and Archer in order to increase player appeal to the lottery games provided thereby as desirably taught by SGI Insights on page 4.

9. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. in view of Rittmaster et al. and Archer, as applied to claims 1 and 11 above, and further in view of McCollom et al. (U.S. Patent Application Publication 2002/001623).

The combination of Dickinson et al. and Rittmaster et al. and Archer teaches a method and system as described above with respect to claims 1 and 11, respectively. In particular, the combination of Dickinson et al. and Rittmaster et al. and Archer teaches lottery game availability based on geographic location, wherein users can create a wager based on user inputs to play available lottery games (Figure 1 of Dickinson et al. along with the related description thereof). However, the combination of Dickinson et al. and Rittmaster et al. and Archer does not explicitly teach giving the user the ability to finalize the wager at a later time and reminding the user to finalize the wager, as recited in claims 10 and 20. It is notoriously well known to offer products and services over a network and to allow the purchaser of such products and services to finalize a purchase at a later time and/or be reminded to finalize the purchase. McCollom et al. teach an analogous networked system in which users are able to purchase items and coupons over a network, wherein the users are able to finalize their purchase at a later time and be reminded to finalize their purchase (Figures 13, 14 and 17 along with the related description thereof, wherein purchases are placed in a "shopping basket" or "wish list" for later purchase). The system display provides an indication reminding the purchaser that the purchase is not finalized (Figures 21 and 22 along with the related description thereof). McCollom et al. teach that finalizing purchases and reminding users of the same improves the system by allowing users to browse, assemble and store selections until electing to make a purchase (paragraphs [0132] to [0137]). It would have been obvious for one skilled in the art at the time of the invention to incorporate the ability for users or purchases to finalize a purchase and be reminded of the same as taught by McCollom et al. into the lottery method and system as taught by the combination of Dickinson et al., Rittmaster and Archer in order to browse, assemble and store lottery selections until electing to make a purchase as desirably taught by McCollom et al. in paragraphs [0132] to [0137].

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10. Claims 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,325,716) in view of Archer (U.S. Patent No. 6,277,026) and Small (U.S. Patent No. 4,815,741).

Walker teaches a method as recited in claims 21 and 27. The disclosed method comprises giving the user the ability to set conditions via user equipment on which an interactive wagering application is partially implemented and automatically participating in the lottery on the behalf of the user when the conditions have been met See col. 2:36-3:35. However, Walker employs paper tickets and does not explicitly teach electronic user equipment. Archer teaches an analogous system for selling lottery tickets online via electronic user equipment. See Figs. 1, 4A along with the related description thereof and col. 5:10-15. Archer teaches that the electronic user equipment facilitate the sale and distribution of lottery tickets online, which enhances revenues (col. 1:36-67). Walker et al in view of Archer do not explicitly disclose notifying the user of the automatic participated in the lottery. However, Small teaches an analogous system for notifying the user of the automatic participation in the lottery (summary). It would have been obvious for one skilled in the art at the time of the invention to incorporate the electronic user equipment and notifying the user of the automatic participated in the lottery as taught by Archer and Small into the interactive wagering application of Walker et al. in order to facilitate the sale and distribution of lottery tickets which enhances revenues and an inform that a user has been successfully entered in the lottery as desirably taught by Archer in col. 1:36-67 and Small (summary).

Regarding claims 22 and 28, Walker teaches automatically participating in the lottery comprises using a default set of lottery numbers (col. 3:1-8, col. 5:1-19).

Regarding claims 23 and 29, Walker teaches default sets of lottery numbers are user-specified (col. 3:1-8, col. 5:1-19).

Regarding claims 24 and 30, Walker teaches automatically participating in the lottery comprises using a set of randomly generated lottery numbers (col. 3:1-8, col. 5:1-19).

Regarding claims 25 and 31, Walker teaches conditions based on factors selected from the group consisting of a period of time from the last time the user participated, the lottery prize, the odds of winning and any combination thereof (col. 2:54-3:1 and col. 4:11-27). In regard to the odds of winning, the Walker teaches enrolling a ticket based on a minimum payout, which determines the ticket's expected payout (i.e. odds of winning a particular payout).

Regarding claims 26 and 32, Walker teaches automatically participating in the lottery on behalf of the user every time the lottery is offered (col. 1:55-64 and col. 2:54-64).

Response to Arguments

11. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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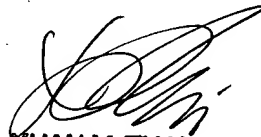
calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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